

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 952 OF 2022

THE STATE OF MAHARASHTRA

VERSUS

ROHIT RAJU CHAVAN

...

APP for Petitioner : Mr. P N. Kutti

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CORAM : KISHORE C. SANT, J.

DATE : 25th NOVEMBER 2022.**Per Court :**

1. This petition arises out of the order passed by the learned Sessions Judge, Beed in Criminal Application No. 6/2022 dated 17.03.2022. The order passed by the learned Judicial Magistrate First Class in respect of releasing property to the accused, is confirmed by the learned Sessions Judge, Beed. The property i.e. directed to be released is automatic head bottle M/c, water filter machine and corrugated box machine, seized in Crime No.23/2021. The said property was directed to be released on executing Supurtnama of Rs.10,00,000/- (Rupees Ten

Lakh only). The order is challenged on the ground that the accused person is habitual offender and they are indulged into such offences of manufacturing illicit liquor. They are also indulged into various other activities. If the property is released to him, he will again put the same to use for his illegal activities. The Respondent in spite of service has not appeared before the Court. This Court by order dated 13.09.2022 had granted stay to the impugned order. On the last occasion, this Court had passed an order dated 23.11.2022, directing the learned APP to take instructions as to whether the property is already released or still lying in the custody of office of State Excise, Beed.

2. Considering that the offences punishable under Sections 12, 13, 65(a), (b), (c), (d), (e), 80, 81, 83, 90 and 108 of the Maharashtra Prohibition Act, it is clear that the said property cannot be said to be property that can be proved to any other reasonable use. The accused Respondent has not come before this Court to show use of the said property. The matter was also adjourned two three times and the first notice was issued on 13.09.2022. Thus, it is clear that even the Respondent is not keen on release of the property. Even he has not

come to this Court, challenging the impugned order of directing him to execute Supurtnama of Rs.10,00,000/-.

3. Considering the above, this Court finds that even the Respondent has no grievance, if the petition is allowed. The Writ Petition thus, stands allowed and disposed off.

4. Learned APP makes a statement on instructions received from Mr. Ramesh B. Rathod, Inspector, State Excise Beed.

[KISHORE C. SANT, J.]